

REMARKS

Reconsideration of the present Application is respectfully requested. Claims 1 and 11-21 have been amended herein. Care has been exercised to introduce no new matter. Claims 1-26 are pending and in condition for allowance.

Rejections based on 35 U.S.C. § 101

Claims 15-18 and 20-24 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claims 15 and 21 have been amended herein to more particularly recite the functionality realized from use of the files in building a software application on two computing devices. Claims 16-20 and 22-26 have been amended herein to provide proper dependence upon the independent claims. As such, without conceding that the claims originally were not directed to a useful result, to advance prosecution in this case, Applicant respectfully submits that the claims are now even more clearly directed to a useful result.

Rejections based on 35 U.S.C. § 102

Claims 1-11 stand rejected under 35 U.S.C. 102(b) as being anticipated by Boehm et al. (US 6,457,170, hereafter “Boehm”). Claims 15-26 stand rejected under 35 U.S.C. 102(b) as being anticipated by Obilisetty (US 2004/0268344, hereafter “Obilisetty”). Claims 1, 11-15 and 21 have been amended herein to more particularly recite patentable features of the claimed embodiments of the present invention not disclosed by the references. Claims 16-20 and 22-26 have been amended to provide proper dependency upon the independent claims.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP 2131. According to paragraph [0009] of the Specification of the present Application, a larger computing device, such as a Tandem™, may be used to build applications that are being developed on a number of smaller workstations. Boehm does not disclose such a system,

because only a single computing device is used in building the software application. It could be asserted that network controllers and storage may be used as a means to extend the memory capabilities of the workstation, but all builds occur on the first computing device. The claimed embodiments of the present invention expressly require that the desired version of the code used in building the software application be selected by the first computing device and built on the second computing device. If the roles of the first and second computing device are reversed, Boehm still lacks the selection on one computing device and the build process on the second computing device. For this reason Boehm cannot anticipate the claims of the present invention.

Moreover, the system of Boehm lacks the ability to fully use the capabilities of version-controlling software. Boehm discloses a method in which the most recent version of source code is used. *See* Col. 11, ll. 51-60. While this does not allow for a particular version to be used, Applicants have amended claims 1 and 11-14 to recite this distinction more particularly. A “selectable” version is now recited to show that the present invention is an improvement over prior systems that faced difficulty in interacting with version-control storage software. Support for this feature can be found in paragraph [0012] of the Specification.

Claims 15 and 21 as amended recite features disclosed in the Specification of the instant Application that are not disclosed by Obilisetty. Claim 15 as amended recites the use of two files, one containing environment-specific parameters and one containing parameters that do not depend on the application’s environment, for use by a first computer to build an application on a second computer. Amended claim 21 recites the use of two files containing similar parameters that enable the first computer to access selectable files for building an application on the second computer. While Obilisetty may use two files, the reference is silent to the use of these files in building a software application on two computing devices. Obilisetty also does not

address the use of the two files as a means of configuring the parameters necessary for such a build. The referenced sections of Obilisetty discloses the use of two files to insure that one is in a “talk” state and one is in a “listen” state. As such, there is no disclosure of parameters of any sort to build an application.

Rejections based on 35 U.S.C. § 103

Claims 12-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Boehm in further view of Obilisetty. Claims 12-14 are allowable at least based on their dependence from the amended independent claim 1, which is allowable. However, Applicant respectfully traverses this rejection based on the following remarks.

“To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” MPEP 2143.03. The disclosure of Boehm lacks the use of a first computer to build an application on a second computer. The teachings of Obilisetty would not lead to modifications of Boehm that could cause a first computer to build an application on a second computer. In fact, Obilisetty asserts in paragraph [0016] that the disclosed best mode of the reference can operate asynchronously and does not require interaction between two computers for operation of his invention. Thus, the combination of Boehm and Obilisetty cannot obviate the present claims. Further, the combination teaches away from the present invention as Obilisetty stresses the lack of reliance on the serving computer, whereas the Specification of the present invention lists as one novel feature the ease of creating the interaction between the two computing devices.

CONCLUSION

For at least the above reasons, claims 1-26 are placed in condition for allowance. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-559-2173 or jcamacho@shb.com (such communication via e-mail

is herein expressly granted) – to resolve the same. It is believed that no fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 21-0765.

Respectfully submitted,

/Jesse J. Camacho/

Jesse J. Camacho
Reg. No. 51,258

JJC/SMK/nlm

SHOOK, HARDY & BACON L.L.P.
2555 Grand Boulevard
Kansas City, MO 64108-2613
816-474-6550